

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONKA PAJO CROW,

Petitioner,

CIVIL CASE NO. 04-40365

v.

HARVEY G. LAPPIN,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Respondent.

_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Petitioner Tonka Crow's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, filed on December 15, 2004, and the report and recommendation of the Honorable Paul J. Komives, United States Magistrate Judge. The Magistrate Judge recommends that this Court deny the petition. The Magistrate Judge served the report and recommendation on all parties on April 29, 2005 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by May 16, 2005. Neither party filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. See

Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." Thomas v. Arn, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry 7] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's petition for a writ of habeas corpus in accordance with 28 U.S.C. § 2241 [docket entry 2] is **DENIED**.

SO ORDERED.

Dated: May 26, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 31, 2005 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Patricia G. Gaedeke , and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Tonka Crow .

s/Julia L. Delling

Julia L. Delling, Case Manager
(810) 341-7845